Case 15-41225 Doc 1 Filed 07/06/15 Entered 07/06/15 21:07:39 Desc Main Document Page 1 of 13

B1 (Official Form 1) (04/13) **United States Bankruptcy Court EASTERN DISTRICT OF TEXAS** Voluntary Petition SHERMAN DIVISION Name of Debtor (if individual, enter Last, First, Middle): Name of Joint Debtor (Spouse) (Last, First, Middle): Clark, Jr., Ben All Other Names used by the Debtor in the last 8 years All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names): (include married, maiden, and trade names) dba Ben Clark Jr. & Associates, Jr. Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all): xxx-xx-8458 than one, state all): Street Address of Debtor (No. and Street, City, and State): Street Address of Joint Debtor (No. and Street, City, and State): 4808 Troon Circle Dallas, TX ZIP CODE ZIP CODE 75287 County of Residence or of the Principal Place of Business: County of Residence or of the Principal Place of Business: Mailing Address of Debtor (if different from street address): Mailing Address of Joint Debtor (if different from street address): ZIP CODE ZIP CODE Location of Principal Assets of Business Debtor (if different from street address above): ZIP CODE Type of Debtor Nature of Business Chapter of Bankruptcy Code Under Which (Form of Organization) (Check one box.) (Check one box.) the Petition is Filed (Check one box.) Health Care Business Chapter 7 Chapter 15 Petition for Recognition Individual (includes Joint Debtors) Single Asset Real Estate as defined Chapter 9 in 11 U.S.C. § 101(51B) of a Foreign Main Proceeding See Exhibit D on page 2 of this form. Chapter 11 Railroad Corporation (includes LLC and LLP) Chapter 15 Petition for Recognition Chapter 12 Stockbroker of a Foreign Nonmain Proceeding Partnership  $\overline{\mathbf{Q}}$ Chapter 13 Commodity Broker Other (If debtor is not one of the above entities, check Clearing Bank this box and state type of entity below.) Nature of Debts Other (Check one box.) **Chapter 15 Debtors** Tax-Exempt Entity Debts are primarily Debts are primarily consumer Country of debtor's center of main interests (Check box, if applicable.) debts, defined in 11 U.S.C. business debts. § 101(8) as "incurred by an Debtor is a tax-exempt organization individual primarily for a personal, family, or house-Each country in which a foreign proceeding by, regarding, or under title 26 of the United States against debtor is pending: Code (the Internal Revenue Code). hold purpose. Filing Fee (Check one box.) Check one box: Chapter 11 Debtors Debtor is a small business debtor as defined by 11 U.S.C. § 101(51D). ▼ Full Filing Fee attached. Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Filing Fee to be paid in installments (applicable to individuals only). Must attach Debtor's aggregate noncontigent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,490,925 (amount subject to adjustment on 4/01/16 and every three years thereafter). signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. Filing Fee waiver requested (applicable to chapter 7 individuals only). Must Check all applicable boxes: attach signed application for the court's consideration. See Official Form 3B. A plan is being filed with this petition. Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b). Statistical/Administrative Information THIS SPACE IS FOR COURT USE ONLY Debtor estimates that funds will be available for distribution to unsecured creditors. Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors. **Estimated Number of Creditors** 25,001-Over 5,001-10,001-50,001-200-999 1.000-**—** 50-99 \_\_\_ 100-199 5 000 10.000 25.000 50.000 100.000 100.000 Estimated Assets \$100,001 to \$1,000,001 \$50,000,001 \$100,000,001 \$50,001 to \$500,001 \$10,000,001 \$500,000,001 More than \$50,000 \$100,000 \$500,000 to \$1 million to \$10 million to \$50 million to \$100 million to \$500 million to \$1 billion \$1 billion Estimated Liabilities

\$50,000,001

to \$100 million

\$100,000,001

to \$500 million

\$500,000,001

to \$1 billion

More than

\$1 billion

\$10,000,001

to \$50 million

\$50,001 to \$100,001 to \$500,001

\$500,000

to \$1 million

\$50,000 \$100,000

\$1,000,001

to \$10 million

Case 15-41225 Doc 1 Filed 07/06/15 Entered 07/06/15 21:07:39 Desc Main

Document Page 2 of 13

B1 (Official Form 1) (04/13) Page 2 Name of Debtor(s): Ben Clark, Jr. **Voluntary Petition** (This page must be completed and filed in every case.) All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet.) Location Where Filed: Case Number: Date Filed: **Northern District of Texas** 15-30160 1/5/2015 Location Where Filed: Case Number: Date Filed: **Eastern District of Texas** 11-43053 10/3/2011 Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet.) Name of Debtor: Case Number: Date Filed: None District: Relationship: Judae: **Exhibit B Exhibit A** (To be completed if debtor is an individual (To be completed if debtor is required to file periodic reports (e.g., forms 10K and whose debts are primarily consumer debts.) 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) I, the attorney for the petitioner named in the foregoing petition, declare that I have of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.) informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I have delivered to the debtor the notice Exhibit A is attached and made a part of this petition. required by 11 U.S.C. § 342(b). /s/ Tiffany L. Pratt 7/6/2015 Tiffany L. Pratt Date Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? Yes, and Exhibit C is attached and made a part of this petition.  $\sqrt{\phantom{a}}$ No. Exhibit D (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) Exhibit D, completed and signed by the debtor, is attached and made a part of this petition. If this is a joint petition: Exhibit D, also completed and signed by the joint debtor, is attached and made a part of this petition. Information Regarding the Debtor - Venue (Check any applicable box.) Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District. Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes.) Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.) (Name of landlord that obtained judgment) (Address of landlord) Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and Debtor has included with this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition. Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(I)).

Case 15-41225 Doc 1 Filed 07/06/15  B1 (Official Form 1) (04/13) Document	Entered 07/06/15 21:07:39 Desc Main Page 3 of 13		
2 · (ee.a. · e · ) (e · · · e)	Name of Debtor(s): Ben Clark, Jr.		
Voluntary Petition	Name of Deptor(s): Defi Glark, 31.		
(This page must be completed and filed in every case)			
Sign	atures		
Signature(s) of Debtor(s) (Individual/Joint)  I declare under penalty of perjury that the information provided in this petition is true and correct.  [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.  [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b).  I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.  X	Signature of a Foreign Representative  I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.  (Check only one box.)  I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. § 1515 are attached.  Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.  X  (Signature of Foreign Representative)		
7/6/2015			
Date O'markers of Attacases*	Date		
Signature of Attorney*  X /s/ Tiffany L. Pratt Tiffany L. Pratt Bar No. 24070447  Pratt & Thomas, Attorneys & Counselors at Law 2201 Main Street, Suite 1016 Dallas, Texas 75201	Signature of Non-Attorney Bankruptcy Petition Preparer  I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.		
Phone No.(214) 741-2186 Fax No.(888) 816-1931  7/6/2015  Date  *In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.	Printed Name and title, if any, of Bankruptcy Petition Preparer  Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social-Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)		
Signature of Debtor (Corporation/Partnership)  I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.  The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.	Address X		

Signature of Authorized In	dividual		
Printed Name of Authorize	ed Individua	I	
Fitle of Authorized Individual	ual		

Date

Signature of bankruptcy petiton preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual.

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

Case 15-41225 Doc 1 Filed 07/06/15 Entered 07/06/15 21:07:39 Desc Main B1 (Official Form 1) (04/13) Document Page 4 of 13

Voluntary Petition (Continuation Sheet)

All Prior Bankruptcy Cases Filed Within Last 8 Years (Continued)

<del>-</del>	•	
Location Where Filed:	Case Number:	Date Filed:
Northern District of Texas	96-38923	12/3/1996

## B 1D (Official Form 1, Exhibit D) (12/09) UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

In re:	Ben Clark, Jr.	Case No.	
			(if known)

Debtor(s)

## EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

1. Within the 180 days <b>before the filing of my bankruptcy case</b> , I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.
2. Within the 180 days <b>before the filing of my bankruptcy case</b> , I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit couseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 14 days after your bankruptcy case is filed.
3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during he seven days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Summarize exigent circumstances here.]

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

# B 1D (Official Form 1, Exhibit D) (12/09) UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

In re:	Ben Clark, Jr.	Case No.	
			(if known)

Debtor(s)

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT  Continuation Sheet No. 1
☐ 4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]
Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);
Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);
Active military duty in a military combat zone.
<ul> <li>□ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of</li> <li>11 U.S.C. § 109(h) does not apply in this district.</li> </ul>
I certify under penalty of perjury that the information provided above is true and correct.
Signature of Debtor: /s/ Ben Clark, Jr. Ben Clark, Jr.
Date:

#### UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

IN RE: Ben Clark, Jr. CASE NO

CHAPTER 13

#### DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR

1.	I. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above-named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:		
	For legal services, I have agreed to accept:		\$3,000.00
	Prior to the filing of this statement I have receive	ed:	\$657.00
	Balance Due:		\$2,343.00
2.	The source of the compensation paid to me was	S:	
	✓ Debtor ☐ Other (s		
3.	The source of compensation to be paid to me is	): ::	
	☑ Debtor ☐ Other (s		
4.	☑ I have not agreed to share the above-discletory associates of my law firm.	osed compensation with any other	person unless they are members and
	☐ I have agreed to share the above-disclosed associates of my law firm. A copy of the ag compensation, is attached.		
5.	In return for the above-disclosed fee, I have agra. Analysis of the debtor's financial situation, arbankruptcy; b. Preparation and filing of any petition, scheduc. Representation of the debtor at the meeting	nd rendering advice to the debtor in the deb	n determining whether to file a petition in which may be required;
6.	By agreement with the debtor(s), the above-disc	closed fee does not include the fol	lowing services:
Г		CERTIFICATION	
	I certify that the foregoing is a complete state representation of the debtor(s) in this bankrupto	ement of any agreement or arrange	ement for payment to me for
	7/6/2015	/s/ Tiffany L. Pratt	
	Date	Tiffany L. Pratt Pratt & Thomas, Attorneys & C 2201 Main Street, Suite 1016 Dallas, Texas 75201 Phone: (214) 741-2186 / Fax:	
	/s/ Ben Clark, Jr. Ben Clark, Jr.		

#### UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

IN RE: Ben Clark, Jr. CASE NO

CHAPTER 13

#### **VERIFICATION OF CREDITOR MATRIX**

	The above named Debto	or hereby verifies th	at the attached list	of creditors is true a	nd correct to the b	est of his/her
knowl	edge.					

Date	7/6/2015	Signature/s/ Ben Clark, Jr. Ben Clark, Jr.
Date		Signature

## Case 15-41225 Doc 1 Filed 07/06/15 Entered 07/06/15 21:07:39 Desc Main Document Page 9 of 13

Ad Astra Rec 8918 W 21st St. N Suite 200 Mailbox: 112 Wichita, KS 67205

Americas Servicing Co Attention: Bankruptcy PO Box 10328 Des Moines, IA 50306

Cap1/saks 3455 Highway 80 W Jackson, MS 39209

Capital One Attn: Bankruptcy PO Box 30285 Salt Lake City, UT 84130

Capital One, N.a. Capital One Bank (USA) N.A. PO Box 30285 Salt Lake City, UT 84130

Carrington Mortgage Se 1610 E Saint Andrew Place Sutie B150 Santa Ana, CA 92705

Cash Central 84 E. 2500 N. North Logan, UT 84341

Chase Po Box 15298 Wilmington, DE 19850

Chase Auto
Attn:National Bankruptcy Dept
PO Box 29505
Phoenix, AZ 85038

## Case 15-41225 Doc 1 Filed 07/06/15 Entered 07/06/15 21:07:39 Desc Main Document Page 10 of 13

Chase Card Po Box 15298 Wilmington, DE 19850

Chase Manhattan
Attn: Bankruptcy Research Dept
P.O. Box 24696
Columbus, OH 43224

Chase Receivables 1247 Broadway Sonoma, CA 95476

Christopher K. Baxter Marinosci Law Group, PC 14643 Dallas Parkway, Suite 750 Dallas, Texas 75254

Collin County Appraisal District 250 W Eldorado Pkwy McKinney, Texas 75069

Credit One Bank PO Box 98873 Las Vegas, NV 89193

Datasearch Inc PO Box 461289 San Antonio, TX 78246

Delta Bank Vidalia

Ditech.com/GMAC Mortgage Attn: Bankruptcy 1100 Virginia Dr

Fort Washington, PA 19034

First Premier Bank 3820 N Louise Ave Sioux Falls, SD 57107

Frost Bank Po Box 1600 San Antonio, TX 78296

Gecrb/lord & Tay

Home Comings Financial / GMAC Mortgage Attention: Bankruptcy Dept 1100 Virginia Drive Fort Washington, PA 19034

Hsbc Bank ATTN: BANKRUPTCY PO Box 5213 Carol Stream, IL 60197

Hsbc/saks

I C System
Attn: Bankruptcy
PO Box 64378
Saint Paul, MN 55164

Internal Revenue Service PO Box 7346 Philadelphia, PA 19101-7346

Internal Revenue Service 1100 Commerce St., 9th FL - MC 5020DAL Dallas, Texas 7542 Jennifer Clark

Lord&taylor P.o. Box 1628 Maryland Heigh, MO 63043

Mackie Wolf Zientz & Mann, P.C. Parkway Office Center, Suite 900 14160 North Dallas Parkway Dallas, Texas 75254

Midland Credit Management 8875 Aero Dr Suite 200 San Diego, CA 92123

Plains Commerce Bank PO Box 1059 Aberdeen, SD 57402

Portfolio Rc Attn: Bankruptcy PO Box 41067 Norfolk, VA 23541

Pratt & Thomas, Attorneys & Counselors a 2201 Main Street, Suite 1016 Dallas, Texas 75201

Rjm Acq Llc 575 Underhill Blvd Ste 2 Syosset, NY 11791

Syncb/lord & Tay 4125 Windward Plaza Alpharetta, GA 30005

## Case 15-41225 Doc 1 Filed 07/06/15 Entered 07/06/15 21:07:39 Desc Main Document Page 13 of 13

United States Attorney's Office 110 North College Avenue, Suite 700 Tyler, Texas 75702-0204

Usa Credit Attn: Tamela Barton 1 Millennium Dr Uniontown, PA 15401

Wfnnb/express Attn: Bankruptcy P.O. Box 182686 Columbus, OH 43218

Wyrhsr Mtg 1420 South 500 West Salt Lake City, UT 84115